

# EXHIBIT B

<b>Attorney or Party without Attorney:</b> Fross, Zelnick, Lehrman & Zissu, PC 866 UN Plaza at First Avenue & 48th Street New York, NY 10017			<b>For Court Use Only</b>	
Telephone No: 212-813-5900      FAX: No: 212-813-5901		Ref. No or File No.: 1106165849		
Insert name of Court, and Judicial District and Branch Court:				
Plaintiff: UNIVERSAL MUSIC - MGB NA LLC. Defendant: KILLERSOUND, INC.				
<b>AFFIDAVIT OF REASONABLE DILIGENCE</b>		Hearing Date:	Time:	Dept/Div:
		Case Number: 07 CIV 8353		

1. I, Mark L Kunkel, and any employee or independent contractors retained by ABOINGO SERVICES are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant KILLERSOUND, INC. as follows:
  
2. Documents: SUMMONS IN A CIVIL CASE COMPLAINT, EXHIBITS.
  

Day	Date	Time	Location	Results
Thu	10/11/07	7:29pm	Home	No lights or sounds. No answer at the door. Attempt made by: Mark L Kunkel. Attempt at: c/o Reg. Agent, Frank Fouad Gelat 34 SAWMILL COURT Mountain View CA 94043.
Mon	10/15/07	6:38pm	Home	Server knocked at the door, lights turned off after server started knocking. No answer at the door. Attempt made by: Mark L Kunkel. Attempt at: c/o Reg. Agent, Frank Fouad Gelat 34 SAWMILL COURT Mountain View CA 94043.
Thu	10/18/07	7:58pm	Home	No lights on in home. No answer at the door. Attempt made by: Mark L Kunkel. Attempt at: c/o Reg. Agent, Frank Fouad Gelat 34 SAWMILL COURT Mountain View CA 94043.
Wed	10/24/07	9:36pm	Home	After knocking several times the outside light came on briefly and then went off. Server could hear someone inside but they refused to open the door. EVADING!! Attempt made by: Mark L Kunkel. Attempt at: c/o Reg. Agent, Frank Fouad Gelat 34 SAWMILL COURT Mountain View CA 94043.
Fri	11/09/07	12:47pm	Home	Posted on: KILLERSOUND, INC. Home - c/o REGISTERED AGENT, FRANK FOUAD GELAT 34 SAWMILL COURT Mountain View, CA. 94043 by Serving: party in item 3.a.. Served by: Paul Hammond Norman
Fri	11/09/07			Mailed copy of Documents to: KILLERSOUND, INC.

3. Person Executing
  - a. Mark L Kunkel
  - b. ABOINGO SERVICES  
1780 WHIPPLE ROAD, Registration # 1074  
SUITE #102  
Union City, CA 94587
  - c. (510) 475-6161, FAX (510) 475-6262

- Recoverable Costs Per CCP 1033.5(a)(4)(B)
- d.. The Fee for service was:
  - e. I am: (3) registered California process server
    - (i) Independent Contractor
    - (ii) Registration No.: 1130
    - (iii) County: Santa Clara
    - (iv) Expiration Date: Thu, Mar. 26, 2009

4. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

† Date: Fri, Nov. 09, 2007

**AFFIDAVIT OF REASONABLE DILIGENCE**

(Mark L Kunkel) 106165849.6721952.33918

<b>Attorney or Party without Attorney:</b> Fross, Zelnick, Lehrman & Zissu, PC 866 UN Plaza at First Avenue & 48th Street New York, NY 10017 Telephone No: 212-813-5900      FAX No: 212-813-5901				<b>For Court Use Only</b>	
<b>Attorney for: Plaintiff</b>			<b>Ref. No. or File No.:</b> 1106165849		
<b>Insert name of Court, and Judicial District and Branch Court:</b>					
<b>Plaintiff: UNIVERSAL MUSIC - MGB NA LLC.</b> <b>Defendant: KILLERSOUND, INC.</b>					
<b>PROOF OF SERVICE</b> <b>SUMMONS IN A CIVIL CASE</b>		<b>Hearing Date:</b>	<b>Time:</b>	<b>Dept/Div:</b>	<b>Case Number:</b> 07 CIV 8353

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons In A Civil Case Complaint, Exhibits
3. a. Party served: KILLERSOUND, INC.
4. Address where the party was served: c/o REGISTERED AGENT, FRANK FOUAD GELAT  
34 SAWMILL COURT  
Mountain View, CA 94043
5. I served the party:
  - d. by other means On: Fri., Nov. 09, 2007 at: 12:47PM by Posting and Mailing:  
party in item 3
  - (2) (Home) by Posting and Mailing:
  - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., 415.20). I mailed the document on: Fri., Nov. 09, 2007 from: Union City

**7. Person Who Served Papers:**

a. Paul Hammond Norman

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server

- (i) Independent Contractor
- (ii) Registration No.: 1135
- (iii) County: Santa Clara
- (iv) Expiration Date: Thu, Jun. 04, 2009

Abolingo Services P 510-475-6161  
 1780 Whipple Rd F 510-475-6262  
 Suite #102 www.abolingo.net  
 Union City, CA 94587

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Fri, Nov. 09, 2007

*Paul Hammond Norman*  
 (Paul Hammond Norman)  
 1106165849.8135900.33918



AQ 440 (Rev. 10/93) Summons in a Civil Action RETURN OF SERVICE

SERVICE OF: SUMMONS, INDIVIDUAL PRACTICES OF NAOMI REICE BUCHWALD U.S. DISTRICT JUDGE, INSTRUCTIONS  
FOR ELECTRONIC CASE FILING, COMPLAINT, EXHIBITS 1-4  
EFFECTED (1) BY ME: OUT OF STATE *Paul Norman*  
TITLE: PROCESS SERVER DATE: *November 9, 2007*

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE

☐ Served personally upon the defendant:  
KILLERSOUND, INC., R.A. FRANK FOUAD GELAT  
Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

Relationship to defendant:

Description of person accepting service:

SEX: AGE: HEIGHT: WEIGHT: SKILL: HAIR: OTHER:

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

*Posted docs to the residence NOV 9, 2007 at 12:47pm*

STATEMENT OF SERVER

TRAVEL \$ SERVICES \$ TOTAL \$

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Service is true and correct.

DATE: *11, 9, 2007*

*Paul Norman* L.S.  
SIGNATURE OF OUT OF STATE  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

ATTORNEY: DAVID DONAHUE, ESQ.  
PLAINTIFF: UNIVERSAL MUSIC - MGB NA LLC.  
DEFENDANT: KILLERSOUND, INC.  
VENUE: DISTRICT  
DOCKET: 07 CIV 8353

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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